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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-159

13 **MARINA A. BEYLIN**  
1283 Lerida Way  
Pacifica, California 94044

**ACCUSATION**

14 **Registered Nurse License No. 510134**

15 Respondent.

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17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about March 28, 1995, the Board of Registered Nursing issued Registered  
24 Nurse License Number 510134 to Marina A. Beylin (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 December 31, 2010, unless renewed.

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1           7. Title 16, California Code of Regulations, section 1442 states:

2           “As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
3 the standard of care which, under similar circumstances, would have ordinarily been exercised by  
4 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
5 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
6 situation which the nurse knew, or should have known, could have jeopardized the client's health  
7 or life.”

8           8. Title 16, California Code of Regulations, section 1443, states:

9           “As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
10 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
11 exercised by a competent registered nurse as described in Section 1443.5.”

12          9. Title 16, California Code of Regulations, section 1443.5 states:

13          “A registered nurse shall be considered to be competent when he/she consistently  
14 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
15 sciences in applying the nursing process, as follows:

16           “(1) Formulates a nursing diagnosis through observation of the client's physical condition  
17 and behavior, and through interpretation of information obtained from the client and others,  
18 including the health team.

19           “(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
20 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
21 for disease prevention and restorative measures.

22           “(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
23 treatment to the client and family and teaches the client and family how to care for the client's  
24 health needs.

25           “(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
26 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
27 effectively supervises nursing care being given by subordinates.

1       “(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
2 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
3 communication with the client and health team members, and modifies the plan as needed.

4       “(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
5 health care or to change decisions or activities which are against the interests or wishes of the  
6 client, and by giving the client the opportunity to make informed decisions about health care  
7 before it is provided.”

8       10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case.

#### 12                               **DRUGS**

13       11. Zolpidem (Ambien) is a Schedule IV controlled substance, as designated by Health  
14 and Safety Code section 11056(d)(32), and a dangerous drug pursuant to Business and  
15 Professions Code section 4022 in that it can be lawfully dispensed only by prescription.

#### 16                               **FIRST CAUSE FOR DISCIPLINE**

#### 17                               **(Unprofessional Conduct: Unlawful Obtainment and/or Furnishing** 18                               **of a Controlled Substance)**

19       12. Respondent is subject to disciplinary action under Code sections 2761(a) and 2762(a)  
20 in that she engaged in unprofessional conduct when she unlawfully obtained and/or furnished a  
21 controlled substance to a patient without authorization. The circumstances are set forth in  
22 paragraph 13, below.

23       13. On or about and between June 25, 2006 and June 18, 2007, Respondent, while  
24 employed as a Health at Home Case Manager with the San Francisco Department of Public  
25 Health, cared for Patient A,<sup>1</sup> a woman diagnosed with metastatic malignant disease that had  
26 spread to her brain. Throughout her care, Patient A presented with adverse signs and symptoms

27       <sup>1</sup> The term “Patient A” is used to protect the patient's privacy. Full names will be released  
28 to Respondent pursuant to a request for discovery.

1 and was receiving heavy doses of Fentanyl, Vicodin, Acetaminophen with Codeine, and  
2 Trazodone, among other medications.

3 On or about April 2, 2007, Respondent telephoned ACE Pharmacy (pharmacy) at 2505  
4 Noriega Street in San Francisco, California, to request that a prescription for Ambien 10  
5 milligrams (mg) allegedly written by Dr. Michelle Roland be filled for Patient A. At  
6 Respondent's request, the pharmacy filled the prescription and delivered it to Patient A's home.  
7 Patient A began taking the Ambien that day. Also on that date, Respondent entered a prescription  
8 for Ambien 10 mg into Patient A's medical chart with a start date of September 17, 2006.

9 In truth and in fact, Dr. Roland last treated Patient A in June 2006 and has no record of  
10 prescribing Ambien for Patient A. Additionally, the pharmacy did not receive a written  
11 prescription for Ambien for Patient A until April 30, 2007, and that prescription was written by  
12 Dr. Judith Luce. The pharmacy does not have any record of a prescription for Ambien written by  
13 Dr. Roland for Patient A, nor does the pharmacy have a written prescription by any doctor for  
14 Ambien for Patient A dated September 17, 2006.

### 15 **SECOND CAUSE FOR DISCIPLINE**

#### 16 **(Unprofessional Conduct: Falsification of Patient's Record)**

17 14. Respondent is subject to disciplinary action under Code sections 2761(a) and 2762(e)  
18 in that she falsified an entry in a patient's record pertaining to a controlled substance when on or  
19 about April 2, 2007, Respondent documented a prescription for Ambien 10 mg in Patient A's  
20 medication record with a starting date of September 17, 2006. The circumstances are set forth in  
21 paragraph 13, above.

### 22 **THIRD CAUSE FOR DISCIPLINE**

#### 23 **(Unprofessional Conduct: Incompetence and/or Gross Negligence)**

24 15. Respondent is subject to disciplinary action under Code section 2761(a)(1) in that she  
25 engaged in unprofessional conduct when she demonstrated incompetence and/or gross  
26 negligence, as defined in Title 16, California Code of Regulations, sections 1442 and 1443, in  
27 providing nursing care to Patient A. Included within said conduct was Respondent's failure to  
28 receive a doctor's order before obtaining and/or furnishing Ambien to Patient A when Patient A

1 was being treated with and was receiving high doses of other controlled substances and was  
2 presenting adverse disease signs and symptoms, thereby placing Patient A's health and safety in  
3 jeopardy. The circumstances are set forth in paragraph 13, above.

4 **PRAYER**


5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 510134, issued to Marina  
8 A. Beylin;

9 2. Ordering Marina A. Beylin to pay the Board of Registered Nursing the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3; and

12 3. Taking such other and further action as deemed necessary and proper.  
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15 DATED: 9/15/09

  
16 LOUISE R. BAILEY, M.Ed., RN  
17 Interim Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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